



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 31, 1992

Mr. Robert E. Ivey
Contracting Officer
Department of Energy
P.O. Box 2567
Grand Junction, CO 81502-2567

RE: DOE mining lease AT(05-1)-ML-60.8-NM-B-1

Dear Mr. Ivey:

As we discussed over the phone, the Environmental Protection Agency (EPA) is amenable to enter into an Interagency Agreement (IAG) with the Department of Energy to address the environmental concerns of the DOE mine site located outside of Prewitt, New Mexico.

On January 31, 1992, the DOE received EPA's first draft of the IAG. This draft lacks specific cost information; but at this time, EPA has estimated that the site may cost as much as \$275,000 to complete. This is a very conservative estimate and a more detailed figure will be calculated as EPA discusses site activities with Laguna Construction. We anticipate that a more detail cost analysis will be provided to DOE during early February. The IAG calls for the DOE to reimburse EPA for all costs incurred with this project. This would include EPA's intramural costs (Field OSC at approximately \$20.00/hr, Field Radiation specialist at approximately \$24.00/hr, all travel and per diem costs, and REAC contractor) and extramural costs (Laguna Construction and any post removal analytical expenses).

EPA is hoping that the project will commence in mid-March. To facilitate this target, DOE needs to submit comments on the IAG by February 14th and inform EPA in writing that it will faithfully work to execute this agreement. EPA needs this written guarantee in order to obtain EPA headquarter's funding for the project. Once an IAG is negotiated, the agreement will be processed by EPA's Region IX Grant Management Division. This process takes an estimated three weeks to complete.

EPA is aware of the possible litigation by the mine lessee and that this legal action may delay the start of the clean-up action. However, EPA is hoping that the IAG can be negotiated and executed within early February. Therefore, once the legal

DRAFT #2

United States Environmental Protection Agency Washington, DC 20460 EPA		Interagency Agreement/ Amendment Part 1 - General Information		1. EPA IAG Identification Number 2. Other Agency IAG ID Number (if known) 3. Type of Action New Agreement	4. Funding Location by Region 5. Program Office Abbreviation HWMD
6. Name and Address of EPA Organization U.S. Environmental Protection Agency Hazardous Waste Management Division 75 Hawthorne Street San Francisco, CA 94105		7. Name and Address of Other Agency United States Department of Energy Grand Junction Project Office P.O. Box 2567 Grand Junction, CO 81502			
8. Project Title Response Action at the DOE mining lease AT(05-1)-ML-60.8-NM-B-1), Bluewater Uranium Site					
9. EPA Project Officer (Name, Address, Telephone Number) Robert E. Bornstein, OSC Emergency Response Section H-8-3 75 Hawthorne Street San Francisco, CA 94105 FTS 484-2298		10. Other Agency Project Officer (Name, Address, Telephone Number) Robert E. Ivey, Contracting Officer Department of Energy P.O. Box 2567 Grand Junction, CO 81502 FTS 326-6003			
11. Project Period March 15 - April 15, 1992		12. Budget Period End of 2nd, Beginning of 3rd Quarter, FY92			
13. Scope of Work (Attach additional sheets, as needed) <p>Pursuant to Section 120 of CERCLA, the National Contingency Plan and Executive Order 12580, the United States Department of Energy (DOE), designated Federal Trustee, grants the United States Environmental Protection Agency (EPA), and its contractors, access to perform mine reclamation activities on the DOE parcel identified as the south east quarter (SE 1/4) of Section 13, Township 13 North, Range 11 West of the USGS Bluewater Quadrangle, McKinley County, New Mexico (Mining lease AT(05-1)-ML-60.8-NM-B-1).</p> <p>EPA will perform the following services outlined in Attachment 1 and in accordance with the approved EPA Action Memorandum dated June 7, 1991 for the Bluewater Uranium Mine Sites (ID W3).</p> <p>DOE agrees to reimburse all of EPA's costs, including travel, intramural and extramural costs, associated with this response action.</p> <p>SEE ATTACHMENTS</p>					
14. Statutory Authority for Both Transfer of Funds and Project Activities Executive Order 12580, CERCLA, NCP, Economy Act of 1932, as amended					15. Other Agency Type Federal
Funds		Previous Amount		Amount This Action	Amended Total
16. EPA Amount					
17. EPA In-Kind Amount		TO BE DETERMINED AT COMPLETION OF PROJECT			
18. Other Agency Amount					
19. Other Agency In-Kind Amount					
20. Total Project Cost					
21. Fiscal Information					
Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class
					Obligation/Deobligation Amt.

Part II - Approved Budget		EPA IAG Identification Number
22. Budget Categories	Itemization of This Action	Itemization of Total Project Estimated Cost to Date
(a) Personnel	\$	\$
(b) Fringe Benefits		
(c) Travel	SEE ATTACHMENT 1 FOR COST ESTIMATION	
(d) Equipment		
(e) Supplies		
(f) Procurement/Assistance		
(g) Construction		
(h) Other		
(i) Total Direct Charges	\$	\$
(j) Indirect Costs: Rate % Base \$		
(k) Total (EPA Share %) (Other Agency Share 100%) \$		\$ 275,000 Estimated Cost
23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? (Identify all equipment costing \$1,000 or more) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 		
24. Are any of these funds being used on extramural agreements? (See Item 22f) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 		
Type of Extramural Agreement <input type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Procurement (Includes Small Purchase Order)		
Contractor/Recipient Name (if known) Laguna Construction P.O. Box 206 Laguna, NM 87026	Total Extramural Amount Under This Project Estimated Cost \$275,000	Percent Funded by EPA (if known) 100% DOE Reimbursement
Part III - Funding Methods and Billing Instructions		
25. <input type="checkbox"/> Funds-Out Agreement (Note: EPA Agency Location Code (ALC) - 68010727)		
<input type="checkbox"/> Disbursement Agreement		
<input type="checkbox"/> Repayment Request for repayment of actual costs must be itemized on SF 1081 or SF 1080 and submitted to the Financial Management Center, EPA, Cincinnati, OH 45268:		
<input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Upon Completion of Work		
<input type="checkbox"/> Advance Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268.		
<input type="checkbox"/> Allocation Transfer-Out Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of the Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Headquarters. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.		
26. <input checked="" type="checkbox"/> Funds-In Agreement		
<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Repayment		
<input type="checkbox"/> Allocation Transfer-In <input type="checkbox"/> Advance		
Other Agency's IAG Identification Number		EPA Program Office Allowance Holder/Responsibility Center Number
Other Agency's Billing Address (Include Agency Location Code or Station Symbol Number) Department of Energy P.O. Box 2567 Grand Junction, CO 81502		Other Agency's Billing Instructions and Frequency

Part IV - Acceptance Conditions

EPA IAG Identification Number

27. General Conditions

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

28. Special Conditions (Attach additional sheets if needed)

This agreement may be terminated by either Agency upon 30 days advance written notice, prior to site mobilization.

Any requirements for payment or obligation of funds, by the Department of Energy established by the terms of this agreement shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. Section 1341. In cases where payment or obligation of funds would constitute a violation of the Anti-Deficiency Act, the dates established requiring the payment or obligation of such funds shall be appropriately adjusted.

DOE agrees to reimburse EPA for all costs associated with the response. EPA will submit to DOE a demand for reimbursement of EPA's costs associated with the mine reclamation activities incurred on DOE property. (Continued on Attachment 2)

Part V - Offer and Acceptance

Note: 1) For Funds-out actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in Item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of the offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Funds-in actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative assistance)

EPA Program Office (for technical assistance)

29. Organization/Address

Office of Policy and Management, GMS
EPA, Region IX (P-2-2)
75 Hawthorne Street
San Francisco, CA 94105

30. Organization/Address

Hazardous Waste Management Division
EPA, Region IX (H-8-3)
75 Hawthorne Street
San Francisco, CA 94105

Certification

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Decision Official on Behalf of the Environmental Protection Agency Program Office**31. Signature**

Typed Name and Title

Keith Takata

Deputy Director for Superfund

Date

Action Official on Behalf of the Environmental Protection Agency**32. Signature**

Typed Name and Title

Jeff Zelikson

Director, HWMD

Date

Authorizing Official on Behalf of the Other Agency**33. Signature**

Typed Name and Title

Date

ATTACHMENT 1 DRAFT INTERAGENCY AGREEMENT

The Environmental Protection Agency Emergency Response Section will provide the following services to the Department of Energy on the DOE parcel identified as the south east quarter (SE 1/4) of Section 13, Township 13 North, Range 11 West, New Mexico Meridian located in McKinley County, New Mexico (Bluewater USGS Quadrangle).

Pursuant to Section 300.415 of the National Contingency Plan, EPA will conduct site stabilization and mine reclamation activities at this site. The purpose of this response is to prohibit the migration of radionuclide contaminants and reduce the elevated gamma radiation emissions associated with the large piles of uranium bearing protore and improper mine closure.

To accomplish this task, EPA and its contractors will perform the following tasks:

TASKS TO BE PERFORMED

- 1) EPA will conduct a 50 X 50 foot gamma survey using Ludlum 19 instruments to delineate elevated gamma radiation areas. Contour maps will be generated from the data. Data will be collected at both waist and ground level.
- 2) Fill material will be utilized within the DOE property and, if necessary purchased from adjacent property, to cover areas of elevated gamma radiation (165 uR/hr above background). Covered areas will be graded, sloped (3 to 1) and vegetated to withstand natural erosion.
- 3) Open adits will be backfilled with protore and filled to DOE specifications. Overburden material will be contoured and sloped to avoid reopening of the mine opening.
- 4) Mine vent shafts will be backfilled and plugged with concrete.
- 5) All disturbed areas will be revegetated with natural grasses and sloped to resist erosion. Radiological hazard warning signs will be posted on the reclaimed zones advising local residents to avoid disturbing the protective covering. The signs will be in English, Spanish and Navajo.
- 6) All work will be conducted in accordance with the approved EPA Region IX Health and Safety Plan dated 7/26/91. EPA shall provide air monitoring to ensure adequate worker safety.
- 7) EPA will provide biweekly progress reports in the form of Pollution Reports (POLREPS) to the DOE. At the completion of the project EPA will provide DOE with a copy of the OSC report. EPA will also submit to the DOE a detailed report of incurred costs.

- 8) EPA will conduct a post-response 50' by 50' gamma survey to ensure that all areas exceeding 165 uR/hr excluding background have been properly reduced to 50 uR/hr. EPA will conduct post-removal soil sampling to ensure that soil radium concentrations do not exceed the 40 CFR Section 192 standard of 5 pCi/g.
- 9) DOE will be responsible for conducting periodic inspections and, if necessary, maintenance of the reclaimed area.

ATTACHMENT 1 CONTINUED

ESTIMATED COST BREAKDOWN FOR PROJECT
CONSTRUCTION CONTRACTOR

Estimated 14 days of work with 10 hours days

	Unit Price	Quantity	Amount
1) Mobilization and Demobilization	\$ LS	1 job	\$ 20,000
2) D8N Cat Tractors	\$165.00	3 for 140 Hrs	\$ 69,300
3) 14G Cat Grader	\$130.00	1 for 70 Hrs	\$ 9,100
4) 980C Front End Loader	\$165.00	2 for 140 Hrs	\$ 46,200
5) D6H Cat Tractor	\$125.00	1 for 140 Hrs	\$ 17,500
6) Haul Trucks or Scrappers	\$165.00	3 for 100 Hrs	\$ 49,500
7) Clean-Fill			\$ 15,000
8) Revegetation	\$425.00/acre	20 acres	\$ 8,500
9) Signs	\$230.00	6 signs	\$ 1,380
10) Concrete materials			\$ 10,000

			\$246,480

Equipment costs include manpower, fuel and maintenance.

EPA Costs

1) Field OSC	\$ 20.00/hr	180 hrs	\$ 3,600
2) Radiation Specialist	\$ 24.00/hr	180 hrs	\$ 4,320
3) REAC Contractor	\$ 65.00/hr	180 hrs	\$ 11,700
4) Per diem for crew	\$ 75/day	3 for 18 days	\$ 4,050
5) Travel			\$ 4,000

			\$ 27,670

Estimated Total Cost	-----	\$274,150
----------------------	-------	-----------

Attachment 2

The EPA, as the Agency providing the Federal On-Scene-Coordinator, shall provide a report which summarizes the EPA activities at the Site upon completion.

A breakdown of charges is not currently available, however, it will be provided in detail to DOE prior to EPA's request for reimbursement.

The demand will be made in the form of a letter and will be accompanied by Removal Cost Management System documentation and other cost documentation that will serve as the accounting of EPA's expenditures. Payment shall be made by check payable to the United States Treasury and addressed to:

United States Environmental Protection Agency
Financial Management Section
26 West Martin Luther King Drive
Cincinnati, OH 45268
Attention: Connie Ely, FMD

Include on the check the IAG number. Please send copies of the check and cover letter to:

Robert Bornstein, OSC
USEPA-ERS H-8-3
75 Hawthorne Street
San Francisco, CA 94105

Tim Dallas
Budget Officer
USEPA Region IX
75 Hawthorne Street
San Francisco, CA 94105